

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

**MOTION TO EXCLUDE TESTIMONY REGARDING DEFENDANT BOYD'S EFFORTS
TO BAIL OTHER ALLEGED PARTICIPANTS OUT OF STATE CUSTODY**

Comes the defendant, by and through counsel of record, G. Kerry Haymaker and hereby moves this Honorable Court to exclude testimony regarding the efforts of defendant Boyd to bail out other alleged participants related to the events at Carafem on March 5, 2021.

Counsel was provided with the 302 of a recent interview with Caroline Davis. It appears as if the interview was conducted on January 19, 2024 and was provided to counsel on or about January 22, 2024. In said interview, it is indicated that Mr. Boyd “was constantly trying for over a day to bail those who were arrested out of jail.”

Any attempts to assist anyone in bailing out of jail would have taken place subsequent to the commission of any alleged offense in this case. It appears as if the government is moving forward against defendant Boyd based on an aider and abettor theory. A person cannot aid and abet a crime that has already been completed. *See, e.g., United States v. Ledezma*, 26 F.3d 636, 642 (6th Cir. 1994) (holding “one cannot aid and abet a completed crime”).

As such, any testimony regarding these activities should be excluded as they are not relevant to the case before the Court.

Respectfully submitted,

HAYMAKER & HEROUX, P.C.

/s G. Kerry Haymaker

G. Kerry Haymaker, BPR 18695

Attorney for the Defendant

The Riverview Building

545 Mainstream Drive, Suite 420

Nashville, Tennessee 37228

(615)400-7745

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion has been delivered via the Court's Electronic Filing System to Amanda Klopf, AUSA, on this the 23rd day of January, 2024.

/s G. Kerry Haymaker

G. Kerry Haymaker